

**REMARKS**

Claims 1, 4 and 5 remain pending after amendment.

***Amendment to Title***

The title is amended in the manner suggested by the Examiner.

***Claim Amendments***

By this amendment, claims 2, 3 and 6-8 are cancelled. Claim 1 is amended to incorporate certain of the limitations of cancelled claims 2-3. No new matter is added by this amendment.

***Withdrawal of Allowable Subject Matter***

Applicants acknowledge the withdrawal of the indication of allowable subject matter of claims 6-8. However, it is believed that all pending claims are directed to allowable subject matter in view of the above amendments.

***Applicants' Invention***

Applicants' invention is directed to a disposable diaper of a flat type. The claimed diaper is particularly easy to apply to a wearer who is in a standing position.

A significant aspect of the claimed invention is that the standing gathers on each side are fixed at an extension ratio of 100% or higher, and the tensile characteristics of the standing gathers on each side measured in their state not fixed to the diaper are such that the tensile load

required to extend to an effective extension ratio is 20 to 120 cN and that the increase rate of tensile load required for extending from an extension ratio of 20% up to the effective extension ratio is 1.0 cN/% or lower, the effective extension ratio being 30% lower than the fixing extension ratio.

Since the present invention satisfies the above limitation, especially taken together with the limitation of the bending stiffness of the absorbent member due to the presence of a low stiffness region having a bending stiffness of 25 cN/50mm or lower, it is remarkably easy to put the disposable diaper on a wearer in a standing posture.

*The region of the crotch portion further has a high stiffness region R2 disposed between laterally separated low stiffness portions and a bending stiffness of higher than 25 cN/50 mm in the diaper width direction, and wherein the low stiffness region R1 is an oblong region provided along each longer side edge of the absorbent member in the region of the crotch portion.*

That is, when disposable diapers of the flat type are placed on the wearer in a standing position, the crotch portion of the wearer is extremely narrow when compared with the case when putting on a diaper in a prone position. This is because the legs when in a standing position are not widely spaced unlike the case of a wearer lying on his or her back when the legs can be spread more widely. In addition, in order to put on a diaper adequately in a standing position, it is necessary to pull up the diaper which has been inserted into the narrow crotch portion of the wearer into a fitted position, while keeping the diaper curved into a U-shape in the longitudinal direction to some extent.

In this situation, when a diaper is provided with standing gathers, the gathers touch the wearer's thighs and impede diapering. It follows then that the diaper will fail to be properly applied to the fitted position.

In addition, in the case of the use of conventional gathers, the standing gathers fall or bend upon contacting the skin of the wearer when putting on a diaper in a standing position. A gap can thus form between the free end of the gathers and the skin of the wearer, through which body waste may easily leak.

It has been difficult for conventional diapers to solve the above problems, particularly with respect to the putting on of the diaper while the wearer is in a standing position.

The present invention succeeds in solving the above problems by providing standing gathers which extend with smaller force than that of the standing gathers of conventional diapers *(the increase rate of tensile load required for extending from an extension ratio of 20% up to the effective extension ratio is 1.0 cN/% or lower)* and have a higher extension ratio than that of the standing gathers of conventional diapers *(an extension ratio of 100% or higher)*.

As a result, when putting a diaper on a wearer in the standing position, since the standing gathers of the present invention tend to appropriately contract while the diaper curves into a U-shape in the longitudinal direction, the gathers rise up while putting on the diaper, and those free ends naturally move toward the appropriate position during wear. Thus, the standing gathers are prevented from falling or bending when putting on the diaper.

In addition, in a circumstance where the diaper is pressed against the skin of the wearer, the standing gathers extend, and the elastically restoring force works to separate the diaper from the wearer. However, in the present invention, since the gather has a small increase rate of

tensile load, the force for separating the diaper from the wearer is weak, even in a condition where the diaper is pressed against the skin of the wearer to some extent. Thus, the standing gather of the present invention seldom inhibits smooth or comfortable wearing of the diaper.

The claimed invention is neither disclosed nor suggested by the cited prior art.

***Rejection of Claims 1-8***

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okuda et al '140. This rejection respectfully is traversed.

Okuda et al is directed to an absorbent article having a liquid-permeable topsheet, a liquid-impermeable antileakage sheet, a liquid-retentive absorbent core, and a substantially elongate shape, with upstanding guards formed on opposing side portions.

In support of the rejection, the Examiner takes the position that Okuda:

“discloses disposable diaper 1 including absorbent core 4 with free end region 64 having a larger stress in the crotch portion of the wearer so that the standing property of the parallel spaced upstanding guard/standing gather 6 improves the fit to prevent leakage caused by crossing over of upstanding guard/standing gather 6 (page 7, ll 25-29, figure 4), fastening tape/band fastening member 11 on each side edge of wasteband (page 3, ll 5-7, figure 1), stress of the upstanding guard elastic member 64 disposed at the longitudinal free end/high stiffness region 63 of 10-1000 gf and preferably greater by from 5-500 gf than that of all the remaining upstanding guard elastic members 64 between laterally spaced low stiffness regions (low stiffness regions are considered to be any region outside of high stiffness region 63) (page 14, ll 10-12 and fig. 1)”

In response, applicants submit that the cited reference fails to teach or suggest the claimed invention.

Initially, while the Examiner focuses on portions of the absorbent article of the reference having greater “stress”, applicants’ claims provide for areas of low and high “stiffness” which

are distinct from those portions referred to by the Examiner in the reference. The Examiner's attempt to seemingly equate the two is without factual basis.

Specifically, the claimed invention includes a region having a member in the thickness direction in the crotch portion which is provided with both a low stiffness region R1 and a high stiffness region R2. The high stiffness region R2 which is arranged in the crotch portion can support the diaper in the longitudinal direction when the crotch portion of the diaper is held by hand. Accordingly, the advantageous effect as described at page 18 of the specification is exhibited. When a diaper is placed on a wearer who is in the standing position, the diaper must be placed within the narrow space of the crotch of the wearer. Due to the presence of the low stiffness region R1, the diaper of the claimed invention is easy to contract in the diaper width direction, whereby the diaper can be easily placed on the wearer.

Neither such advantages, nor the means by which such advantages are achieved, are disclosed nor suggested by the cited reference.

The rejection is accordingly without basis and should be withdrawn.

In view of the above, the application is believed to be in condition for allowance, and an early indication of same is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

  
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